



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred, NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

## **ACTION AGENDA**

Hickory City Council  
76 North Center Street

September 1, 2015  
7:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Seaver
- III. Pledge of Allegiance
- IV. Special Presentations
  - A. Summer Library Reading Program

Ms. Lisa Neal, Children's Services Coordinator of Patrick Beaver Library discussed highlights from the summer library reading program. She presented a PowerPoint presentation of the events that was held. She advised there was 1,325 children that had signed up for summer reading at Hickory Public Library; 5,737 people that attended the 172 programs that was offered over eight weeks at both libraries. The total number of minutes read was 1,192,400. That was almost 20,000 hours of book time in Catawba County in eight weeks.

- B. Special Recognition

Mayor Wright recognized City Clerk Debbie Miller for the designation of North Carolina Certified Municipal Clerk from the North Carolina Association of Municipal Clerks.

- V. Persons Requesting to Be Heard

- A. Mr. Daniel Blackwelder addressed Council regarding a proposed thoroughfare. He expressed concerns regarding the lines on a plat that had been presented to Council at a workshop. He stated that the lines appear to be arbitrary lines in terms of where they fall on the map. He commented that in reality, Mr. Marshall had said that it was an inaccurate representation of how the thoroughfare and bridge would cross the lake. He was concerned about the potential effect it may have on the marketability of the property in the area. He commented that if the lines are not accurate they should be removed or the planning authority should come back in and do a better job of locating them on the maps so that they more accurately represent where this possible future bridge will go.
  - B. Ms. Denise Poe advised Council that she had previously spoken to them. She is fighting against a bridge that she was told would never come. She questioned why Council would want to hold up progress for her, the neighborhood, and for the buyers who would like to build on this property. She advised that the cost of that property was not much when you are going to the expense to build a bridge. She advised that it was a lot to her, and that she needed to sell the property. She asked Council to not prevent this for something that will likely never happen, when it will cause harm for years and years for the people who own the property. She requested Council write a letter supporting the removal of the easement from their property.

- C. Mr. Charlie Brady thanked Council for conducting a workshop of the Hickory Newton-Conover Thoroughfare Plan. He advised that rerecording the plat would not be a viable option. As long as the thoroughfare plan is out there, it would be doubtful that Crescent would want to record it without it, as long as that plan was floating out there. If it is withdrawn, and the plat is still in existence, a title search would discover that and it is a red flag. You would do due diligence to find out the status of the corridor project. Through COG there would be a statement that would say that is off the table. He commented about the potential inaccuracies that may be currently on the plat. He requested that COG do a review of those plats to see where they mesh with the plan. That might provide some relief to some people if there are inaccuracies. This plat has been there for 24 years, and the bridge was “dead in the water” since 2002. He commented that it is a cloud on title. He questioned how long it should effect people like Ms. Poe and other property owners. He urged City Council to help these property owners by voting to have the plan withdrawn. They could take that recommendation to the Caldwell County Commission and talk to them individually. There has not been a formal vote by that board, so it is not a done deal or the final word on the subject. He commented that they did not have an informative session like Hickory City Council did before they discussed it. He advised that would be part of their plan moving forward.
- D. Ms. Carrie Craymer thanked Council and advised that she had learned a lot from the informative meeting. She advised that she lived in Phase 1 and they had built in 1998. She advised that Phase 1 and 2 were built and later on Phase 3 was built. Unfortunately the folks that built in Phase 3 were misdirected. They had been told many times that the toll bridge was gone. The industry was thriving at that time and there was not as much pressure on the banks with money. That is what is happening with Phase 3 that have not built homes. That is being viewed negatively toward the banks. She thanked Council for any support that they would give to the fellow citizens.
- E. Mr. Larry Pope thanked Council for the opportunity to voice his personal opinion on what was brought to Council by the COG. He commented that once something is in the planning stage, but it interferes with a citizen’s right to use their personal property to the fullest capacity, he would hope that City Council would do a letter to Caldwell and advise Caldwell County Commissioners that Council has no problems with this being removed from the plans for a widening of Gunpowder Road. He was of the opinion that if DOT wants to widen that road then let the State come back in and give fair market value for the property owners, instead of holding them hostage by keeping that information floating out there to who knows to who. He encouraged City Council members and the Mayor to do a letter saying to Caldwell County that they do not object to removing the necessary items that will free up the usage by citizens of Caldwell County in that area.

VI. Approval of Minutes

- A A. Regular Meeting of August 18, 2015 **(Exhibit VI.A.)**

VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.

- A2 A. Approval of the Fire Protection Service Agreement with the Town of Brookford for Fire Service Protection and Medical Related Services. **(First Reading Vote: Unanimous)**
- A2 B. Approval of a Contract for Maintenance between the Town of Hildebran and the City of Hickory for a Sanitary Sewer System. **(First Reading Vote: Unanimous)**
- A2 C. Approval of Change Order 1 with McGill Associates, PA in the Amount of \$40,650 for Engineering Services for Eastwood, Random Woods and Sherwood Forest Subdivisions Sanitary Sewer. **(First Reading Vote: Unanimous)**

- A2** D. Approval of Change Order 1 with Neill Grading & Constructing Company Inc. in the Amount of \$26,129.89 for the Eastwood Sanitary Sewer Project. **(First Reading Vote: Unanimous)**
- A2** E. Budget Ordinance Amendment Number 3. **(First Reading Vote: Unanimous)**
- A2** F. Capital Project Ordinance Number 1. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval of a Resolution to Declare 6,225 Surplus Discarded Library Materials. **(Exhibit VIII.A.)**
- Staff requests approval of a Resolution to declare 6,225 surplus discarded library materials. These materials will be given to the Friends of the Library to sale at the Friends October 2015 Book Sale and/or at the "Corner Book Store" at Patrick Beaver Memorial Library. The donated and discarded books is the primary fundraising activity of the Friends of the Library and discarded library materials comprise a significant portion of their inventory. The sale of these items ultimately benefits the library, and is an appropriate means of disposing of unneeded materials.*
- Public Notice advertised on August 22, 2015 in a newspaper having general circulation in the Hickory area.*
- PH** B. Call for Public Hearing for Consideration of Fiscal Year 2014/2015 Consolidated Annual Performance and Evaluation Report (CAPER). **(Authorize Public Hearing for September 15, 2015) (Exhibit VIII.B.)**
- A** C. Approve the Transfer of a Cemetery Deed from Agnes Lee Ballenger, single; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Revocable Trust Dated October 13, 2011; Donna Davis Ballenger, Davis B. Weaver, and Melissa B. Jordan, Co-Trustees of the Thomas C. Ballenger Family Trust; Lucinda G. Ballenger, and husband, Robert H. Brinkley, III; Melissa B. Jordan and husband Erik W. Jordan; and Davis B. Weaver, single to Donna Davis Ballenger, widow, (Oakwood Cemetery, Section 21, Plot K, Lot A1, Grave Space Numbers 1-5 and 8)(Prepared by Attorney Kimberly H. Whitley).
- A** D. Special Events Activities Application for Brews and Bases, Megan Meade, Director of Community Relations and Events Hickory Crawdads, September 12, 2015 from 11:00 a.m. to 6:30 p.m. at 2500 Clement Boulevard. **(Exhibit VIII.D.)**
- A1** E. Budget Ordinance Amendment Number 21. **(Exhibit VIII.E.)**
1. *To budget \$900,000 of Transportation Fund-Fund Balance appropriated in the Airport FBO Other Professional Services line item for fiscal year 2014-2015. Funds will be used in the AGI Associates LLC and CRA Enterprises Inc. Airport settlement due to pending litigation at the end of the fiscal year.*
- A1** F. Grant Project Ordinance Number 1. **(Exhibit VIII.F.)**
1. *The U.S. Environmental Protection Agency approved the City of Hickory Brownfields Area-Wide Planning grant in the amount of \$200,000. Council accepted the grant on May 19, 2015. This GPO formally requests the initial budget to establish the project on the City of Hickory accounting system. The project period is 08/01/15 - 07/30/17. There is no required match for the federal grant. Grant funds will be used to create a comprehensive small area plan for*

*the redevelopment and eventual cleanup of the project area. The grant will enable the City to plan for the re-use and eventual cleanup of a number of sites within the target area, including the former Joan Fabrics site.*

IX. Items Removed from Consent Agenda – NONE

X. Informational Item

XI. New Business:

A. Public Hearings

**A1** 1. Consideration of Changes to Hickory City Code Ordinance Chapter 4 – Animal and Fowl.

*The City of Hickory approves organizations to use public property, Union Square and other venues, to host events for the public. Over the years citizens and staff have expressed concerns about animals being allowed at these events because of public safety concerns for the citizens and animals attending the event. The Legal Department, Police, Parks and Recreation, and Branding/Public Information Office have worked together to develop proposed changes to the Hickory City Code Chapter 4 (Animal and Fowl) restricting animals within the “footprint” of the approved special event on public property. These proposed changes are in the interest of protecting the public from potential aggressive animals that could cause harm to a humans or another animals. Staff recommends City Council consider changes to the Hickory City Code Chapter 4 (Animal and Fowl) that would restrict animals on public property during approved special events.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on August 21, 2015.*

B. Departmental Reports:

**A** 1. Appointments to Boards and Commissions

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority VACANT

Other Minority VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)

(Appointed by City Council)

Burke County (Mayor to Nominate) VACANT Since 8-6-2008

Brookford (Mayor to Nominate) VACANT Since 6-2006

Catawba County (Mayor to Nominate) VACANT

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council)

(10) Positions VACANT

Mayor Wright nominated Cynthia Ferrell to International Council.

**PARKS AND RECREATION COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

At-Large Minority VACANT

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3                      VACANT  
At-Large (Mayor Nominates)      VACANT

Mayor Wright nominated Beth Bowman to Public Art Commission, At-Large Representative.

**PUBLIC HOUSING AUTHORITY**

(Terms Expiring 6-30; 5-Year Terms (Appointed by Mayor)

Tenant Representative (Mayor Nominates) VACANT

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Ward 3                      VACANT

**YOUTH COUNCIL**

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Hickory Career Arts Magnet      VACANT

**NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

Voting Delegate/Alternate for Annual Business Meeting October 12, 2015 (1:00 – 2:00 p.m.) Benton Convention Center, Winston-Salem, NC

Mayor Wright nominated himself for the voting delegate for the North Carolina League of Municipalities meeting.

C.      Presentation of Petitions and Requests

XII.      Matters Not on Agenda (requires majority vote of Council to consider)

City Manager Mick Berry requested Council go into closed session to consider potential litigation and economic development under NC General Statutes 143-318.11.

XIII.      General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Alderwoman Patton commented that she attended the Viewmont Business Association meeting and they had incorporated the City's logo in their logo. They have the Street Strut coming in September. There are 44 businesses signed up to participate and promote the Viewmont area. She commented that the Science Center is putting on a portal to science that is helping the Caldwell Social Services, Burke, Alexander, Catawba, and Catawba Public Health to get disadvantaged children access to the Science Center. They want everybody to have access there.

Mayor Wright advised that he had presented a proclamation to Lenoir-Rhyne University on their 125<sup>th</sup> Anniversary, which will continue all year. This year they have a record enrollment at their three campuses. They have a record number of freshman and 500 student athletes' and 50 international students. We are very proud of Lenoir-Rhyne and the contribution that they have made, and are continuing to make.

Mayor Wright commented that Benton Blount from Granite Falls would be on America's Got Talent. He encouraged citizens to cast a vote for him.

Alderman Seaver commented that Lenoir-Rhyne was one of the top six small college towns in North Carolina, because of the relationship between Hickory and Lenoir-Rhyne.

Mayor Wright advised great article in "Our State" magazine.

At approximately 8:22 p.m. Council went into Closed Session.

At approximately 9:00 p.m. Council returned to open session and approved a settlement agreement with the Faruque's and a budget amendment to meet the financial obligation of the settlement.

XIV. Adjournment

**The City of Hickory holds all public meetings in accessible rooms.  
Special requests for accommodation should be submitted by individuals  
with disabilities at least 48 hours before the scheduled meeting.  
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**